THE CHICAGO COMMON COUNCIL AND THE FUGITIVE SLAVE LAW OF 1850.

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BY

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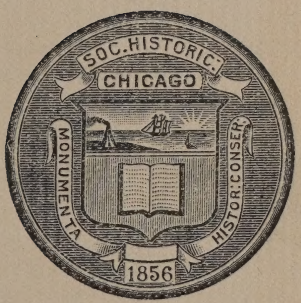

THE CHICAGO COMMON COUNCIL AND THE FUGITIVE SLAVE LAW OF 1850.

On the first day of January, 1850, the Charleston, S. C. Mercury made the following statement in its editorial columns: "When the future historian shall address himself to the task of portraying the rise, progress, and decline of the American Union, the year 1850 will arrest his attention as presenting the first arraying of those hostile forces and opposing elements which resulted in disunion, and the world will have another illustration of the great truth that forms of government, however correct in theory, are only reliable as they conduce to the peace, quiet and conscious security of the governed."

It was the absence of this feeling of conscious security which led the South to repeated attempts to extend and to define more clearly the principles of the original compromises of the Constitution; which caused them to use questionable logic to maintain a position rapidly becoming untenable. It was the absence of this feeling which led them to demand not only that the North should support the laws protecting slavery, but that attacks upon the institution and its extension should cease.

Moreover, a great change had taken place through the internal development of the country. Increased facilities for transportation had led to the settlement of large areas of the West, and in these settlements new ideas prevailed, and from them a new party was to spring. The currents of national politics, long confined to well-known channels, were deflected into new courses.

The year 1850 was important also from the standpoint of party leadership. The death of Calhoun made the first vacancy in the great triumvirate. The measures of adjustment of 1850 were the last public acts shaped by Clay's hands, while the few remaining years of Webster's life were not given to active politics. The work of such men as Cass and Benton was practically completed, and Douglas

stood at the parting of the ways. These were the greatest men who had learned from the fathers of the republic the lesson of forbearance, the spirit of compromise in which the Constitution was framed. A younger generation moved by a stronger sectional feeling and more keenly alive to the evils or necessities of the "peculiar institution" of the South, became party leaders, and that disunion which Clay boasted to have deferred for thirty years by the Missouri Compromise, and which he hoped to defer as long by the Compromise of 1850, was to become a fact within eleven years.

The Constitution was essentially a compact and a series of compromises. Individualism in the States threatened to undo the work of the revolution. The necessity for fellowship and goodwill among the States, the standing of the new republic among the nations of the world, the government of the western territories and questions of trade, made union imperative, and that union only was possible which respected the peculiar institutions, customs and prejudices of the several States.

The men who framed the Constitution were neither unmindful of the dangers of slavery nor blind to its iniquity.

"The real difference of interests," said Madison, "lies not between the large and small States, but between the Northern and Southern States. The institution of slavery and its consequences form the line of discrimination."[1]

It was the opinion of Gouverneur Morris that slavery was a nefarious institution, a curse of Heaven. He could not agree to give the same representation to a citizen of Georgia or South Carolina that was given to a citizen of New Jersey or Pennsylvania, who viewed with laudable horror so nefarious a traffic as the slave trade.[2]

Others who were opposed to slavery, both in principle and practice, favored the compromise which would admit the slave-holding States, provided the slave trade were restricted or abolished after a term of years.[3]

The members of the convention from the South had no doubts as to the justice or wisdom of their views. Religion and humanity had nothing to do with the question; interest alone was the governing principle of States. The

1 Madison, Notes of Federal Convention, July 14.
2 Madison's Notes, August 8.
3 Madison's Notes, August 25.

votes of South Carolina could not be cast for the Constitution unless emancipation of slaves and taxation of exports were prohibited.[1]

The adoption of the Constitution established slavery upon the following bases:

1. The slave trade was not to be abolished before 1808.

2. Slavery, where it existed, was not to be molested, and property in slaves was recognized in determining representation.

3. Persons held to service in one State and escaping therefrom were to be given up.

4. By the confirmation of the Ordinance of 1787, Congress may be said to have established a precedent for the later exclusion of slavery from the territories.

The subsequent history of slavery from these four standpoints may be considered briefly. The slave trade was abolished by law in accordance with the constitutional provision and, to the opening of the civil war, political parties in the North were opposed, in general, to any interference with slavery in the States. The chief objects for consideration are, therefore, slavery in the Territories and the fugitive slave laws.

The South developed rapidly, but upon a less permanent foundation than the North. Emancipation practically ceased, and the interstate slave trade, constantly increased by the demands from the far South, became a source of income to the border slave States. States were admitted alternately as free and slave, thus preserving the balance of power in the Senate. The question of slavery in the Louisiana Purchase was settled temporarily by the Missouri Compromise. Notwithstanding the addition to slave territory made by this measure, the South sought further extension. Cuba and parts of Central America were regarded as possibilities. The admission of Texas added greatly to the territorial strength of slavery.

In August, 1847, when the question of appropriations to meet the conditions of the Mexican treaty were being discussed, David Wilmot proposed an amendment to the bill to the effect that slavery should be prohibited forever in all territory thus obtained. This amendment was unnecessary, and in the state of public feeling at that time, was

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1 Madison's Notes, August 24.

unwise. The South regarded it as a direct attack upon slavery as an institution; as an effort to prevent the slave-holding States from acquiring their just proportion of the new territory, and as a possible step toward emancipation. Benton says of it: "Under the laws of Mexico slavery was prohibited in Mexico and California. A change of laws would be necessary to introduce it. The proviso could serve no purpose, save to bring on a slavery agitation, for which purpose it was seized upon by Mr. Calhoun and his friends, and treated as the greatest possible outrage and injury to the slave States. The South could take no steps to make it slave territory, since they had just invented the dogma, 'No power in Congress to legislate upon slavery in the territories.' Never were two parties so completely at loggerheads about nothing. Since 1835 the slavery agitation had been a game played by the abolitionists on the one side and the disunionists on the other, to accomplish their own purposes. Mr. Calhoun hugged the proviso to his heart as a means of forcing the issue between North and South, and deprecated any adjustment, compromise or defeat of it as a misfortune to the South. The dogma of 'No right in Congress to legislate upon slavery in the territories led to the abrogation of the Missouri Compromise. To enforce this doctrine in the territory in question it was necessary to support it by another, 'The transmigration of the Constitution with all its guarantees and powers, over-riding all the anti-slavery laws which it found there.'[1] We need not consider these doctrines further for our purpose. They found a place in the Compromise of 1850; were admitted by Cass in the Nicholson letter, and were amplified by Douglas in the Kansas-Nebraska bill. The North, which might have been passive upon the question of slavery in the States, was active to the last degree upon its introduction or protection in the Territories.

The first fugitive slave law was enacted under circumstances peculiarly prophetic. A free negro was abducted from Washington County, Pennsylvania, in 1788, and sold into slavery in Virginia. Indictments were returned against the kidnappers in November of the same year, when it was found that two of the three had escaped, presumably to Kentucky. The abolition society of Pennsylvania in 1791 addressed a memorial to the Governor,

1 Benton, Thirty Years View p. 695.

General Mifflin, urging that action be taken for the return of the criminals and their victim. A demand was made upon Virginia through her Governor, Beverly Randolph, for the return of the fugitives; but this demand was refused upon the opinion of James Innis, Attorney General of Virginia, who held that the crime was not treason or felony, and that the words "other crimes" of the Constitution applied only to those over which the State making the demand had exclusive jurisdiction. Moreover, the Constitution did not prescribe the manner of delivery, and every freeman in Virginia was held to be entitled to the unmolested enjoyment of his liberty unless it was taken away by the laws of the United States or those of Virginia.

The Attorney General of the United States, Edmund Randolph, held that an indictment by a grand jury was a competent charge; that the delivery must come from Virginia, but that the Governor of Pennsylvania had offered no definite proof that the act committed was a crime against the laws of Pennsylvania. Definite proof was lacking that the accused had escaped from Pennsylvania and had been found in Virginia. "Without such proof the executive of Virginia ought not to have delivered the fugitives; with it they might not refuse."[1] All of the papers in the case were transmitted to the President and by him placed before Congress. The Act of Congress approved February 12, 1793, was the result.

The first two sections of the act apply to fugitives from justice. The third section provides for the return of fugitives from labor upon the appearance of the claimant to such service before any judge of the circuit or district court, or before any magistrate of a county, city, or town corporate wherein the seizure was made. Upon proof, either oral or by affidavit, to the satisfaction of the magistrate, of the claimant's right to such service and of the identity of the fugitive, a certificate was issued for his removal to the State from which he fled.

The fourth section provided penalties in cases of obstruction of arrest, rescue, or concealment of the fugitive. This penalty was to be obtained by action for debt and did not waive the right of further action for damages.[2]

The execution of the law was irregular and subject to

1 American State Papers. Miscellaneous I. 28 et seq.
2 Annals of Congress, III, 1414.

local sentiment. In many cases means were found to liberate fugitives from arrest or to stay proceedings. The Constitutional compact was obscured by the natural right of the fugitives, and Northern sympathy was always passively and often actively enlisted against the slave holder and in favor of the slave. During the first quarter century of the republic the increase of the interstate slave trade led to the frequent kidnaping of freemen from the Northern States, while the number of fugitives was increased by the dread of plantation life in the far South.

In 1818 Mr. Pindall, of Virginia, introduced a bill to provide more effectually for the return of fugitive slaves.[1] The act was amended, chiefly to secure the rights of freemen of color, by providing heavy penalties for the transportation of alleged fugitive slaves before the question of slavery was decided by a competent court. One amendment, negatived by a large majority, proposed to make the judges of the State in which the fugitive was seized the tribunal to decide the fact of slavery.[2] The arguments for and against the bill were much the same as those urged in the debates on the Act of 1850. The bill passed the Senate with some amendments, but was tabled in the House of Representatives.[3]

The next serious blow to the Act of 1793 was the decision of the Supreme Court in the case of Prigg vs. Pennsylvania.[4] In 1832 one Margaret Morgan, a slave, escaped from Maryland to Pennsylvania. In 1837 Edward Prigg, the legally constituted attorney for the owner, made oath before a Justice of the Peace of York County, Pennsylvania, of the facts of the slavery and escape of the said Margaret Morgan. In accordance with this oath a warrant was issued for the arrest of the fugitive. The arrest was made in proper form, but the justice to whom the case came refused to take further cognizance of the case, a refusal based upon a law of Pennsylvania passed March 25, 1826, whereupon Edward Prigg, in violation of that law, removed Margaret Morgan and her children, one of whom had been born in Pennsylvania, more than a year after the escape of the mother, to the State of Maryland and delivered them to the owner. The decision, delivered by

1 Annals of Congress, XXXII 513.
2 Annals of Congress. XXXII 829.
3 Annals of Congress, XXXII 1393.
4 U. S. Reports 16 Peters 536, et seq.

Justice Story, maintained that the law of Pennsylvania was unconstitutional, because it purported to punish as a public offense against that State, the act of seizing and removing a slave, which act the Constitution of the United States was designed to justify and uphold. This decision stated further that the right of a citizen of a slave-holding State to the recovery of his fugitive slave was a fundamental right granted by the Constitution. The purpose of the law was to guard this species of property against the doctrines prevailing in the non-slave-holding States, and to prevent intermeddling, obstruction, or abolition of the rights of slave owners. The Act of Feb. 12, 1793, was clearly constitutional in all of its provisions, and, with the exception of that part which conferred authority on State magistrates, was free from reasonable doubt or difficulty. The court entertained no difference of opinion upon the powers of State magistrates under the law. State magistrates might, if they chose, exercise the authority, unless prohibited by the State Legislatures. But the clause relating to fugitive slaves was found in the National Constitution and not in that of any State, and to insist that States were bound to provide means to carry into effect the duties of the National Government nowhere delegated to them, might well be deemed an unconstitutional exercise of the power of interpretation. The National Government is bound through its own proper departments to carry into effect the rights and duties imposed upon it by the Constitution. The constitutional legislation of Congress supersedes that of the States upon the same subject.

In short, this decision placed the execution of the Act of 1793 in the hands of the general government and thereby left unimpaired the action of several States prohibiting State officers from executing it. Thus the legal machinery became inadequate for the execution of the law, and with the increasing feeling at the North, the complaints of the South became constant.

This question seemed to Webster to be the only real complaint of the South.[1] He saw in the attitude of many of the Northern States a distinct determination to deprive the slave States of the rights guaranteed them by the Constitution. Deeming it to be the duty of every good citizen to obey the Constitution in all of its provisions, he advocated

1 Webster 7th March Speech.

the fugitive slave law, while personally preferring a form which would safeguard more effectually the rights of the fugitive.

The Southern members of Congress did not expect much from the new law. Mason, who introduced the bill, said: "I fear that, pass what laws we may, such laws will be found inoperative; for no law can be carried into effect unless it is sustained and supported by the loyalty of the people to whom it is addressed. It will be just impossible to recover a fugitive slave from Ohio or Pennsylvania as it would be to bring him from the depths of the sea."[1]

North and South were looking at the question from opposite and irreconciliable standpoints. The North believed that the issuing of a writ by the commissioner condemned the negro, fugitive or freeman, to bondage. They had no confidence in the Southern laws protecting the free black. The South, on the other hand, saw in the attitude of the North the beginning of a determination to abolish the institution of slavery.

The law of 1850 was unnecessarily harsh. It assumed that the majority of the officials of the North and the people in general would not only make no effort to carry out the constitutional compact, but would resist such efforts by force. Several milder bills were proposed in the Senate, among them one by Webster, which allowed a jury trial to the fugitive, providing that he denied on oath the right of the claimant to his services. This bill required the claimant to establish his claim, the identity of the fugitive, and the legal existence of slavery in the State from which the fugitive escaped.[2]

Senator Pratt, of Maryland, introduced amendments similar in effect to the bill as finally passed, except in their further provision that if the fugitive were not delivered, the claimant might bring suit against the district attorney of the district in which he resided for the value of the slave and costs. This amount was to be determined by a jury, and the judgment was to be paid by the Treasurer of the United States. Should the fugitive be returned at any future time, the claimant became liable to the United States for the value of the slave at the time of his return.[3]

The most remarkable provision of all, the one least

1 Congressional Globe, XXI Part I, 233.
2 Congressional Globe, XXI Part II, 1111.
3 Congressional Globe, XXII Part II 1616.

likely to be successful, and yet most deserving of success, since it gave the fugitive slave all possible safeguards against injustice, was the bill of Senator Seward. It provided for trial by jury in the State in which the fugitive was arrested. Judges were to grant bail and necessary continuances. The claimant was required to give bonds to satisfy reasonable claims for damages, and the judgment might be taken to the District Courts for revision. Judges and marshals were under heavy penalties to allow and serve writs. The bill embodied Seward's idea that the fugitive law to be effective must be as lenient as possible. The bill attracted little attention at the North, but it was regarded by the South as a studied insult.[1]

Debate upon the final bill in the Senate was moderate and dignified. In the House local sentiment was expressed more freely.

Brown, of Mississippi, said: "You think slavery a great curse. Very well, think so; but keep your thoughts to yourselves. If it be an evil, it is our evil; if it be a curse, it is our curse. We are not seeking to force it upon you. We intend to keep it ourselves. If you do not want to come in contact with it, stay where you are. It will never pursue you. For myself, I regard slavery as a great moral, social, political and religious blessing—a blessing to the slave and a blessing to the master. This is my opinion. I do not seek to propagate it."[2]

The sentiment of the Northwest was expressed by George W. Julian, of Indiana: "Nature is always agitating the question of slavery and persuading its victims to flee. You hold three millions of your fellow beings as chattels. You deny them that principle of eternal justice—a fair day's wages for a fair day's work. The free States will observe faithfully the compromises of the Constitution. They will give up their soil as a hunting ground for the slave holders. But they will not actively co-operate against the unhappy victims of their tyranny. And if Southern gentlemen mean to insist upon such active co-operation on our part as a condition of their continuing in the Union, they may as well, in my opinion, begin to look about them for some way of getting out of it on the best terms they can."[3]

1 Congressional Globe, XXI Part 1, 236.
2 Congressional Globe, XXI Part I, 258.
3 Congressional Globe, XXII Part I, 573 et seq.

The progress of the debates upon the fugitive slave law in the Senate and the House was watched with most intense interest by North and South alike. President Fillmore was not certain of the constitutionality of the law, and referred it to Crittenden, the Attorney General. His opinion was that the law was constitutional in every particular, that it did not suspend, and was not intended to suspend the writ of *habeas corpus;* that the power of Congress over fugitives was absolute.

The bill was signed by the President, September 18. Then the storm that had been gathering over the North broke with violence. Political conventions, abolition meetings, ministers' conferences, secret societies, began to pour forth a deluge of resolutions and petitions protesting against the law.

The Milwaukee Free Democrat of October 2 said: "For ourselves, we give all due notice that we shall trample this law under foot at the first opportunity. Our house and our purse shall always be open to the fugitive slave. The State is welcome to our body and our money, but our conscience is not in keeping of Congress or State Legislatures. This slave-catching law—we will say it—is not only unconstitutional, but diabolical and damnable. It is an outrage upon human nature and an insult to heaven. We are under no more obligation to obey such a law than we would be to obey a law requiring us to commit theft, burglary or highway robbery. This law can never be enforced until humanity and love of liberty die out of the hearts of the people and respect for the authority of God is obliterated from the souls of men."

The McHenry County Whig convention passed a series of resolutions affirming their opposition to the system of slavery; to its extension to the territories; to the acquisition of territory for more slave States, and urging its abolition in all territories controlled by Congress.

"There is no better way to use up a man," said the Buffalo Republic, "than to appoint him a commissioner for the recapture of fugitive slaves under the fugitive slave law. If he is not doomed to eternal infamy, we cannot predict consequences from causes."

Allan Pinkerton offered the following characteristic resolution in the convention at West City, October 24, of the Free Democracy of the Fourth Congressional District:

"*Resolved*, That the Constitution of the United States is emphatically an anti-slavery document, and that with a fair and just construction of it there legally is not, nor can be, a slave in any of the States and Territories of the United States."

Criticism of the bill was not confined to the North. The Southern States realized that the Northern objection to this or any other bill of similar import rested upon a moral sentiment violated under protection of the law, and a natural right taken away from motives of respect to the compromises of the Constitution.

A Southern rights meeting was held at Mobile, Alabama, October 8. Among the acts of the meeting were the following resolutions:

"*Resolved*, That the Act for the recovery of fugitive slaves passed by Congress immediately after the adoption of the Constitution was sufficiently effective as long as public sentiment at the North remained true to constitutional obligations. The South can see nothing in the passage of the late bill which will operate favorably on that public sentiment."

The St. Louis Union was opposed to the compromise measures as a whole, and in referring to them said: "The fugitive slave act is equally objectionable. We admit to the fullest extent the right of recovery, and we desire all the guarantees of the Constitution fulfilled to the letter. But there are features in this bill which, it seems to us, go entirely too far against innocent persons."

The sentiment against slavery as an institution was strong in Chicago. The opportunities for assisting the escape of fugitives under the law of 1793 were used frequently, and the passage of the new bill was made the occasion of further agitation, not only against the bill, but against the domination of the Slave State party in Congress, and in general against any measure which seemed likely to strengthen the institution of slavery or prolong its life.

"We have," said the Western Citizen "the same work before us that we marked out in 1848. Slavery is to be excluded from the Territories by law, it is to be abolished in the District of Columbia, the fugitive law is to be repealed, and the influence of the slave party as such is to be abolished."[1]

1 Western Citizen, Oct. 14, 1850.

"The Long Congress which, unlike the Long Parliament, had no Cromwell to dissolve it, closed its session and its labors on the 30th. It has been turbulent and discordant, and has accomplished but little substantial good for the country. The measures of adjustment, so-called, are mostly measures of sacrifice without insuring the result so sanguinely predicted of bringing peace and quiet to the country. Southern bigots and Northern fanatics have been rather dispelled than brought together by the action of Congress, which only proves how useless it is to legislate for either side exclusively."[1]

The colored people of Chicago, numbering about five hundred, held a meeting in the African Methodist Episcopal Church, on Wells street, to decide upon a course of resistance to the law. The Journal says that there were over three hundred at this meeting, which was characterized by a degree of prudence and deliberation no less remarkable than commendable. A committee on resolutions reported the existence of a strong, deep feeling to resist to the last every attempt to bear back to bondage any one of their number, and a determination to defend each other at the risk of imprisonment, fine, limb, or life itself. Forced to abandon hope of protection by the Government, not daring to trust to the protection of the public, nothing was left but self-protection. No violence would be used except in the last resort, when they would defend themselves at all hazards. They believed that the tendency of the fugitive slave bill was to enslave every colored man in the United States, because no provisions were made in the bill to guard against false claims, inasmuch as the slave holder's claim was to be considered as *prima facie* evidence of its validity. They considered the passage of the act as another glaring instance of Northern subserviency to slaveholding dictation.[2]

Finally, the Liberty Association was formed for the dissemination of the principles of human freedom, and all colored freedmen were urged to unite upon this subject at the same time.

A colored police system was organized in seven divisions, with six persons in each division to "patrol the city each night and keep an eye out for interlopers." This

1 Chicago Journal, Oct. 29.
2 Chicago Journal, Sept. 30.

system was to be maintained as long as might be necessary for the safety of the colored people.[1]

Two incidents happening early in October were interpreted to mean renewed activity for the capture and return of fugitive slaves. On the 14th of October, when it was rumored that two men from the South were in town in search of escaped slaves, the members of the association just referred to sent information of that fact to all the negro residents, and conducted a thorough investigation, which established the falsity of the report.[2]

The second incident is mentioned by the Western Citizen:

"On Tuesday last, October 15, Mr. Uriah Hinch, of Missouri, appeared in the city in pursuit of several fugitives. Being himself a volunteer, and not personally acquainted with the persons he sought, he brought with him, as an assistant, a trusty slave to aid him in the arrest and identification. He displayed his handbills describing the three colored persons, and sought for them openly. As soon as this was known he was waited on by some of our respectable citizens, and kindly informed that he was employed in an enterprise full of personal risk. In the meantime, the colored assistant found an opportunity to board a steamer in the harbor and to sail away to the Queen's dominion. Mr. Hinch heard of this fact, and also received an intimation that a coat of tar and feathers was preparing for him. In alarm he applied to Justice Lowe for protection, but was told that nothing could be done. An anti-slavery lawyer recommended immediate flight as the safest course."[3] This completed the defeat of Mr. Uriah Hinch, who left Chicago never to return. The Citizen says further: "It is proper to add that our colored population are ready for any emergency. While they do not propose to use violence unless driven to it, they will not suffer the new law to be executed upon their persons. In resisting this even to death, they will be sustained by the omnipotent sentiment of the citizens of Chicago." The press of Chicago united in condemning the new law, differing only in the measure of their condemnation; but it remained for the Common Council to give the first official expression of

1 Chicago Journal, Sept. 30.
2 Chicago Journal, Oct. 14.
3 Western Citizen, Oct. 22nd.

public disapproval and revolt. The Mayor of Chicago was James Curtiss. The Alderman were:

First Ward—Peter Page, Eli B. Williams.
Second Ward—Isaac L. Milliken, Alexander Loyd.
Third Ward—Smith J. Sherwood, Wm. H. Adams.
Fourth Ward—Robert H. Foss, A. G. Throop.
Fifth Ward—John C. Haines, A. S. Sherman.
Sixth Ward—Daniel Richards.
Seventh Ward—Elihu Granger, George Brady.
Eighth Ward—George F. Foster, John C. Dodge.
Ninth Ward—R. J. Hamilton, F. C. Hageman.

At a Council meeting Monday night, October 21, the following resolutions were introduced by Alderman Throop:

1. "*Whereas*, The Constitution of the United States provides that the privileges of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion, the public safety may require it, and

"*Whereas*, The late act of Congress purporting to be for the recovery of fugitive slaves virtually suspends the right of *habeas corpus* and abolishes trial by jury, and by its provisions not only fugitive slaves, but white men, owing to service to another in another State, viz: the apprentice, the mechanic, the farmer, the laborer, engaged to contract or otherwise, whose terms of service are unexpired, may be captured and carried off summarily and without legal recourse of any kind, and

"*Whereas*, No law can be legally or morally binding on us which violates the provisions of the Constitution, and

"*Whereas*, Above all, in the responsibilities and duties of human life, and the practice and propagation of Christianity, the laws of God should be held paramount to all human compacts and statutes, therefore

"*Resolved*, That the Senators and Representatives in Congress from the free States who aided and assisted in the passage of this infamous law, and those who basely sneaked away from their seats and thereby evaded the question, richly merit the reproach of all lovers of freedom, and are only to be ranked with the traitors Benedict Arnold and Judas Iscariot, who betrayed his Lord and master for thirty pieces of silver, and

"*Resolved*, That the citizens, officers and police of this city be and they are hereby requested to abstain from any and all interference in the capture and delivering up of the

fugitives of unrighteous oppression of whatever nation, name or color.

To these the following resolution was added upon the motion of Alderman Sherwood:

"*Resolved*, That the fugitive slave law lately passed by congress is a cruel and unjust law and ought not to be respected by an intelligent community, and that the council will not require the police to render any assistance for the arrest of fugitive slaves."[1]

These resolutions were adopted by a vote of nine to two. Thus the question was placed before the public for discussion, and the response came quickly.

The Tuesday Democrat makes the following announcement: "Arrangements have been made for a mass meeting at the City Hall this evening to give an expression of public feeling in opposition to the abominable and infamous fugitive slave law. We have no doubt our citizens will turn out *en masse* upon this occasion."

The announcement in the Western Citizen reads as follows: "The citizens of Chicago will meet this evening to take into consideration the new fugitive slave law and make such an expression in relation to its character and their duty relating thereto as the occasion demands. All come."

At an early hour on Tuesday evening the City Hall was filled to its utmost capacity.

Thomas Richmond acted as temporary chairman. Officers of the meeting and a committee of nine on resolutions were appointed as follows:

Thomas Richmond, president; Alexander Loyd, Luther Marsh, Dr. Eriel McArthur, Eri B. Hurlbut, Richard K. Swift, and James M. Morrison, vice presidents; A. G. Throop, Carlos Haven, Mr. McArthur, secretaries. The committee was composed of George Manierre, Robert H. Foss, Charles Walker, Nathan H. Bolles, N. Norton, Geo. A. Ingalls, L. C. Paine Freer, Dr. B. McVicker and Isaac N. Arnold. Dr. McVicker addressed the meeting while the committee was preparing the report. He condemned the law as nefarious and declared his purpose to yield no aid in carrying it out. He recommended that the colored people refrain from all acts of violence, keep quietly at their work, but be ready for any emergency. George

1 Chicago Democrat, Oct. 22nd.

Mon. Oct 21 - Council passed resolutions
Tues. " 22. Mass Meeting
Wed " 23. Douglas' speech
Thur " 24. Adjourned meeting of Council
Fri " 25. Lothrop's speech
Sat " 26

in favor of Douglas

Manierre, the chairman of the committee, presented the following resolutions:

"*Rezolved*, That the fugitive slave law is unconstitutional and void; first, because Congress has no power under the constitution to legislate on the subject; that the clause under which the power is claimed contains no grant of the power of legislation and is simply a prohibition on the states whereby they are forbidden to discharge fugitives from labor by any law or regulation by them enacted; and secondly, because it is in express violation of fundamental rights of trial by jury, suspends the writ of *habeas corpus* and abolishes the right of appeal from the decision of an inferior court; and that in this attempt on the part of Congress to deface and obliterate the great landmarks between despotism and popular liberty—absolutism and democracy—we have proof strong as Holy Writ of the maxim that eternal vigilance is the price of liberty.

"*Resolved*, That we recognize no obligation of a moral or legal value resting on us as citizens to assist or countenance the execution of this law; that void laws everywhere must be considered by good citizens as divested of all legal, and especially of all moral force, and that we do and ever will trample this underfoot as an unconstitutional and flagitious attempt to impose infamous duties on conscientious citizens and compel them to do the devil's work under the guise of constitutional obligation.

"*Resolved*, That this enactment should not only cover with reproach its authors and advocates, but those also who connived at its passage, concealing themselves on a final vote to escape the indignation of a constituency whose dignity and independence they have sacrificed, and whose character they have blackened and disgraced.

"*Resolved*, That we are summoned to withstand the execution of this law not only by the consideration of the claims of our suffering fellowmen upon our sympathies and aid, but by a proper regard for our own personal liberties; as this law is no respecter of persons or complexions, making no distinctions between whites and blacks, bond or free.

"*Resolved*, That we, as the friends of universal liberty, are admonished of the necessity of repeated and continuous agitation on the great subject of human slavery while a free speech and a free press are yet ours. Let the country be rocked as by a tempest until the political Pharaohs of this great land shall be constrained to let the people go.

N.B. The remaining portion of this pamphlet may be found among the publications of the Chicago Historical Society